

U.S.S.N. 09/942,959
Osbakken *et al.*
PRELIMINARY AMENDMENT

Please replace claim 67 with amended claim 67 as follows:

67. (Amended) A method of treating sinusitis, comprising the step of:
nasally administering a pharmaceutical composition to a mammal
diagnosed or suspected of having sinusitis, wherein:
the composition comprises betamethasone; and
a surfactant, wherein:
the composition is formulated for nasal administration; and
has a surface tension effective for deposition, penetration or
retention of the composition in the nasal sinuses.

REMARKS

A check for the fee for a two month extension of time accompanies this response. Any fees that may be due in connection with filing this paper, or with this application during its entire pendency, may be charged to Deposit Account No. 50-1213.

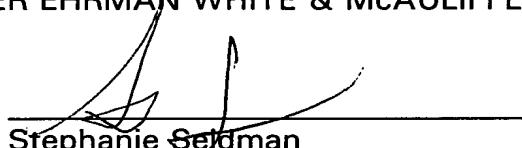
Claims 67-69 and 73-92 are pending. Claims 38-66 and 70-72, which are drawn to non-elected subject matter, are cancelled without prejudice or disclaimer. New claims 73-92 are added. Basis for the new claims is found throughout the specification as originally filed. Claim 67 is amended to conform to elected subject matter; basis for the amendment can be found throughout the specification. Particular basis may be found, for example, in the specification at page 23, paragraph 0080, page 28, paragraph 0106, and Table 1, page 47.

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Entry of this amendment and examination of the application are respectfully requested.

Respectfully submitted,
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: OSBAKKEN *et al.*

Serial No.: 09/942,959

Confirmation No.: 7962

Filed: August 31, 2001

For: AEROSOLIZED ANTI-INFECTIVES,
ANTI-INFLAMMATORIES, AND
DECONGESTANTS FOR THE
TREATMENT OF SINUSITIS

Art Unit: 1616

Examiner: R. DeWitty

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Date of Deposit March 11, 2003

I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 C.F.R. §1.10 on the date indicated above and addressed to:

Commissioner for Patents, U.S. Patent and
Trademark Office, P.O. Box 2327, Arlington, VA
22202


Michael Lough

ATTACHMENT TO THE PRELIMINARY AMENDMENT

The following attachment is provided:

- (1) A marked up amended claim in accordance with 37 C.F.R. §1.121.



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Michael Lough

MARKED UP CLAIM ACCORDANCE WITH 37 C.F.R. §1.121

IN THE CLAIMS:

Please amend claim 67 as follows:

67. (Amended) A method of treating sinusitis, comprising the step of: nasally administering [the] a pharmaceutical composition [of claim 38] to a mammal diagnosed or suspected of having sinusitis, wherein: the composition comprises [an agent for treating sinusitis] betamethasone; and a surfactant, wherein: the composition is formulated for nasal administration; and has a surface tension effective for deposition, penetration or retention of the composition in the nasal sinuses.